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Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)

ROGER LOWTHER,

Plaintiff,

vs.

EXEL GLOBAL LOGISTICS RETIREMENT
 PLAN; EXEL GLOBAL LOGISTICS, INC.;
 DPWN HOLDINGS (USA), INC. and
 EMPLOYEE BENEFITS COMMITTEE OF
 DPWN HOLDINGS (USA), INC.,

Defendants.

Case No. 5:11-cv-00350-RMW

STIPULATION AND ORDER xxxxxxxxxxxxxxxx

HEARING:

Judge: Honorable Ronald M. Whyte

Date: May 20, 2011

Time: 1:30 p.m.

Ctrl: 6

STIPULATION

The parties, by and through their counsel of record, hereby stipulate and agree as follows:

STIPULATION

Case No. 5:11-cv-00350-RMW

1 1. Defendants will issue a settlement check made out to "Law Offices of Julian M.
2 Baum & Associates Client Trust Account, for Roger Lowther" on Friday, May 20, 2011.
3 Defendants will ensure that payment in full is received by Plaintiff's counsel no later than the
4 end of the business day on Monday, May 23, 2011.

5 2. In the event that payment is not made as specified in paragraph one, then
6 Defendants shall pay to Plaintiff the additional sum of \$1,000 per day until the settlement is paid
7 in full.

8 3. The parties hereby stipulate that the hearing on the "Order to Show Cause Why
9 the Settlement Has Not Been Paid" scheduled for May 20, 2011 be taken off the calendar.

10 DATED: May 20, 2011

JULIAN M. BAUM & ASSOCIATES

11
12 BY 
13 ATTORNEYS FOR PLAINTIFF
14

15 DATED: May 20, 2011

RAO TILIAKOS LLP


16
17 By /s/ Anthony J. Rao
18 Anthony J. Rao

19 Attorneys for Defendants

20 [XXXXXXXXXXXX] **ORDER**

21 **THE PARTIES HAVING STIPULATED AS SET FORTH ABOVE, IT IS SO ORDERED.**

22
23 Dated: 5/20, 2011

24 
25 Honorable RONALD M. WHYTE
26 JUDGE OF THE UNITED STATES
DISTRICT COURT

27 Parties are to appear on June 3, 2011 at 10:30 a.m. If payment has been made, Plaintiff is
28 ordered to file a dismissal by May 31, 2011, and contact the Courtroom Deputy at (408) _____
535-5375, so as to take this matter off calendar.